

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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KELLY A. AYOTTE
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

MEMORANDUM TO: All Law Enforcement Personnel

FROM: Kelly A. Ayotte, Attorney General *KAA*

RE: Polygraph Examinations of Sexual Assault/Sexual Abuse Victims

DATE: August 1, 2008

Since 1995, the State of New Hampshire has received the Violence Against Women Act (VAWA) federal grant on an annual basis. This grant, administered by the New Hampshire Department of Justice, provides a multifaceted approach to ending violence against women by providing grants to victim service agencies, law enforcement, prosecution and the Courts throughout the state. With the 2005 reauthorization of the Violence Against Women Act a new mandate has been established that strictly prohibits the polygraph examination of any adult, youth or child victim of an alleged sex offense, as follows:

- **Polygraph Testing Prohibition:**

States must certify that no later than three years of the date of enactment of this section (January 5, 2006) their laws, policies, or practices will ensure that no law enforcement officer, prosecutor, or other government official shall ask or require an adult, youth or child victim of an alleged sex offense to submit a polygraph examination as a condition for proceeding with investigation of the offense and that the refusal of a victim to submit to an exam shall not prevent the investigation, charging or prosecution of the offense.

In order for New Hampshire to continue receiving this nearly one million-dollar federal grant program we must certify that the state will comply with the above requirement. Please share this with your staff and if you have any questions or concerns regarding this change please contact Susan Dearborn at 603-271-8091 or susan.dearborn@doj.nh.gov. Thank you for your continued support and cooperation.